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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,393	02/27/2004	Shuji Yamashita	15115/106001	4915
22511 7590 03/06/2009 OSHA LIANG I.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010				
EXAMINER				
LABBEES, EDNY				
ART UNIT		PAPER NUMBER		
2612				
NOTIFICATION DATE		DELIVERY MODE		
03/06/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
buta@oshaliang.com

# Office Action Summary

**Application No.**

10/789,393

**Applicant(s)**

YAMASHITA ET AL.

**Examiner**

EDNY LABBEES

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status Of Claims*

1. In the response filed on 1/13/2009, claims 1, 3 and 4 stands and are therefore pending in the application.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara (US 2002/0025823) in view of Ghabra et al. (US 6,906,612).

Regarding Claim 1, Hara discloses *Radio System* that has the following claimed limitations:

The claimed mobile unit carried by a driver is met by portable device (See Fig. 1a, 1b and paras [0059]); claimed vehicle unit mounted on a vehicle, the vehicle unit comprising a plurality of transmission antennas is met by stationary device (20) comprising a plurality of stationary-device antennae (24 & 25); claimed mobile unit sequentially receives signals transmitted from at least a first and last antenna from the plurality of transmission antennas to measure the reception intensities of the

sequentially received signals is met by the system of Hara where the control circuit (21a) of the stationary device (20) operates for determining the current position of the portable device (10) where communication, that portable-device finding signals respectively containing different antenna identification codes are concurrently or sequentially emitted from either of the cabin antenna under the control circuit (21a) of the stationary device (20) (see paras [0072]). In addition, Hara discloses that the portable device (10) includes a reception intensity measuring means (not shown); claimed and then after the mobile unit completes the reception intensity measurement of the last transmission antenna transmits an ID portion for storing the intrinsic identification information and all the reception intensity information of the sequentially received signals as one response signal to said vehicle is met by the system of Hara wherein, every time the portable device (10) receives the portable-device finding signals containing antenna identifying codes received from the cabin antennas, the reception intensity data of the portable-device finding signal, and a portable device finding answer signal containing the antenna identifying code and the condition codes, which are contained in the portable-device finding signal received, are returned by the portable-device side communication means (see paras [0059]); claimed vehicle unit locating said mobile unit on the basis of the reception intensity information transmitted from the mobile unit and executing an arbitrary processing action to the location of the mobile unit is met by the system of Hara where the stationary device (20) executing a control process for realizing a predetermined operation of an object to be controlled (See paras [0031]).

As stated above, Hara discloses a system where when the portable device (20) receives the portable-device finding signals containing antenna identifying codes received from the cabin antennas, the reception intensity data of the portable-device finding signal and a portable device finding answer signal containing the antenna identifying code and the condition codes, which are contained in the portable-device finding signal received are returned by the portable-device side communication means, wherein the portable-device side communication means is included in the portable device (10) (See paras [0059 0077]). In essence, Hara discloses a system wherein the mobile unit receives the transmissions sequentially and sends the signals back sequentially.

Hara does not specifically transmit the sequentially received signal as **one** response signal. However, Ghabra discloses *System And Method For Vehicle Passive Entry Having Inside/Outside Detection* that teaches a system comprising a remote transceiver (14) and a vehicle transceiver (16). The system includes an exterior vehicle antenna (22) provided for use in transmitting a first signal (24) for receipt by the remote transceiver (14); and an interior vehicle antenna (26) for use in transmitting a second signal (28) for receipt by the remote transceiver (14), and also for use in determining the location of the remote transceiver (14) (see Col. 4 Ins 43-65). The remote transceiver (14) includes a RSSI (34) to measure the signal strength of the first and second signals to determine the location of the transceiver relative to the vehicle (see Col. 5 Ins 25-65). After the remote transceiver (14) receives the first and second signals, the remote transceiver transmits a third signal for use in locking or unlocking a vehicle door based

on the determination by the controller of the remote transceiver is located inside or outside the vehicle (see Col. 8 Ins 4-16). The determination is based upon the sequential reception of the first and second signals. While Ghabra receives the messages sequentially and returns it concurrently, Hara on the other hand receives the signals sequentially and returns the signals sequentially.

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings Ghabra into the system of Hara to sequentially receives the signals and then return then as one signal rather than sequentially receiving the signals and sequentially returning the signals for the advantage of having the signals returned quicker. Thus the system gets a faster response time.

Regarding Claim 3, the combination of Hara and Ghabra discloses all of the claimed limitations:

The claim is interpreted and rejected as claim 1 stated above. In addition, claimed arbitrary processing action is an operation to locking of a door is met by the system of Hara where the controlled object includes a lock device for locking and unlocking the vehicle door and/or other devices (see paras [0032]). In addition, the locking/unlocking of the door is performed when the portable device (10) approaches either the driver seat side ( $P_{i\{D\}}$ ) or the assistant driver's seat side ( $P_{i\{A\}}$ ) (see Fig. 2 and paras [0074]).

Regarding Claim 4, claimed signals other than that transmitted at first are only used for the measurement of the reception intensities of said mobile unit is met by the portable device finding answer signal representative of the reception signal to the

stationary device (20). The signals transmitted at first are the wake-up signal and not the ones used to measure the reception intensities (see Fig. 1B). In addition, Hara discloses a system where the cabin antennae (24 and 25) are used for the wake-up signal transmission (power transmission) and the normal signal transmission/reception (wireless communication by using the communication frequency already referred to). If required, an antenna exclusively used for the normal signal transmission/reception and another antenna exclusively used for the power transmission may be used separately (see paras [0066]). One of ordinary skill in the art would readily recognize to use different antennas to perform the function transmitting the wake signal and the function of measuring the reception intensities.

### ***Response to Arguments***

4. Applicant's arguments, see pages, filed 1/13/2009, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C 103 have been fully considered and are persuasive, due to the fact that the examiner in the previous office action used prior art that is not dated prior to the present application and thus the prior art, Ghabra (US 7,046,119) is not properly cited in the rejection. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hara (US 2002/0025823) in view of Ghabra et al. (US 6,906,612).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDNY LABBEES whose telephone number is (571)272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George A. Bugg can be reached on (571) 272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees  
2/23/2009

/George A Bugg/  
Primary Examiner, Art Unit 2612